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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

#10 Docket No.
16850-00007

In Re Application Of: Fask et al.

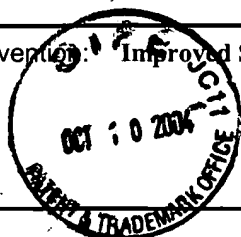
Serial No.
09/977,422

Filing Date
10/15/01

Examiner
Hylton, Robin A.

Group Art Unit
3727

Invention: Improved Specimen Container



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OCT 21 2004

OFFICE OF PETITIONS

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: response with amendment

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ A small entity declaration:

☐ is enclosed. ☒ was filed on _____

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4. ☐ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Serial No.
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Inventors: **Improved Specimen Container**

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Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$685.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$685.00

The fee of **\$685** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. **50-1582**

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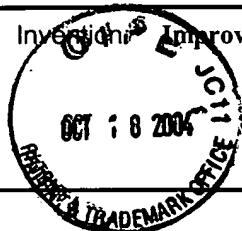
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Examiner
Hylton, Robin A.

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3727

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

A handwritten signature in dark ink, appearing to be "M Dingman".

Signature

Dated: October 14, 2004

Brian M. Dingman, Reg. no. 32,729

I certify that this document and fee is being deposited on October 15, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in dark ink, appearing to be "Charlene L. Hopkins".

Signature of Person Mailing Correspondence

CHARLENE L. HOPKINS

Typed or Printed Name of Person Mailing Correspondence

cc:



MIRICK O'CONNELL
ATTORNEYS AT LAW
MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

October 15, 2004

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OCT 21 2004
OFFICE OF PETITIONS

Mail Stop: Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant: Fask et al.
Serial No.: 09/977,422
Filed: October 15, 2001
For: Improved Specimen Container
Examiner: Hylton, Robin A.
Group: 3727
Docket No.: 16850-00007

Dear Sir/Madam:

Enclosed is a Petition For Revival Of An Application For Patent Abandoned Unintentionally and a Response to the Office Action mailed on July 16, 2003, in the subject application.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts (508) 898-1501.

Please charge the Petition filing fee of \$685.00 to my deposit account number 50-1582. A copy of this letter is enclosed for use by the Finance Branch to make the charge to my deposit account.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Very truly yours,



Brian M. Dingman

BMD/clh
Enclosures

MIRICK O'CONNELL

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